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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,804	10/06/2003	Teresa Joanne Hunkeler	I-2-0388.1US	3395

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EXAMINER	
HAILU, KIBROM T	
ART UNIT	**PAPER NUMBER**
2416	

MAIL DATE	DELIVERY MODE
10/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/679,804	HUNKELER ET AL.	
	Examiner	Art Unit	
	KIBROM T. HAILU	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8,13,14,16,22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8,13,14,16,22 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicants, arguments filed July 10, 2008 have been fully considered but they are not persuasive because the references provided in the previous office action are perfectly disclose the claimed invention.

The Applicants' argument on page 6 of the REMARKS/ARGUMENTS is not persuasive, thus the claimed invention is not patentable.

Basically, as before, the Applicants' argument is that the Reynolds and Wang in combination do not disclose translating or mapping QoS requirements from one communication system to another communication system.

The Examiner respectfully disagrees with the Applicants' above assertion and doesn't believe the claimed invention is patentable in view of the following disclosure.

Reynolds clearly discloses conducting communication session in one type of communication system and continued the communication by handing over to another type of communication system based on the QoS requirements (col. 5, lines 36-65; col. 1, lines 25-46; col. 3, lines 55-64). That is, the communication is continued without interrupting the session when the user moves from one communication system to another communication system having better QoS. Here, one can fairly argue that translating QoS requirements is inherent since the different types of wireless communication systems (such as GSM, W-CDMA, WLAN) use different languages. However, to avoid unnecessary argument, the Examiner introduced the Wang reference which explicitly teaches translating the QoS requirements from one

communication system to another communication system by means of QoS mapping (col. 1, lines 18-26). Here is the exact quotation:

"For many types of communication, a certain quality of service (commonly abbreviated QoS) must be provided. Different networks have different methods of defining and implementing quality of service, so when a communication link passes through several networks, it is not easy to provide an end-to-end QoS guarantee. A conventional method is to use look-up tables, referred to as QoS mapping tables, to translate quality of service in one network to quality of service in another network".

Therefore, the combination of Reynolds and Wang discloses the Applicants' invention as claimed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 8, 14, 16 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds (US 7,149,524 B2) in view of Wang (US 6,693,912 B1).

Reynolds discloses a wireless transmit/receive unit (WTRU) (8) configured for mapping quality of service (QoS) requirements of a first type[[s]] of wireless communication system[[s]] to QoS requirements of a second type of wireless communication system (col. 5, lines 50-65), the WTRU comprising: an application configured to perform for performing a wireless service (Fig. 1; col. 2, lines 37-50); a transceiver to transmit and receive data using a bearer (Fig. 1; col. 2, lines 28-37).

Reynolds further discloses handing over or switching from the quality of service of the first wireless communication system to quality of service requirements of the second type of wireless communication system (col. 5, lines 50-65), plurality of wireless communication system (GSM, WLAN, WCDMA) and their corresponding bearers (Fig. 1), and a session established in the first type of wireless communication system using a first bearer and quality of service requirements of the first type of wireless communication system is continued in the second type of wireless communication system using a second bearer and handing over to the second type of wireless communication system when its QoS is better than the first communication system (col. 5, lines 36-65; col. 1, lines 25-46; col. 3, lines 55-64). However, Reynolds doesn't explicitly disclose a translator configured to translate quality service requirements of the first communication system to quality of service requirements of the second communication system.

Wang teaches a translator configured to translate quality service requirements of the first communication system to quality of service requirements of the second communication system (col. 1, lines 23-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use translating the QoS requirements as taught by Wang into the

communication networks of Reynolds in order to provide an improved arrangement which doesn't add to cost or complexity of the mobile station or terminal.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Wang, as applied to claim 9 above, and further in view of Persson et al. (US 7,206,324 B2).

As applied above, Reynolds discloses plurality of wireless communication networks (such as CDMA) and hand over between them (Fig. 1). Reynolds doesn't explicitly disclose the first type of wireless communication system is UMTS.

Persson teaches the first type of wireless communication system is UMTS (col. 2, lines 24-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the UMTS of Persson into the communication networks of Reynolds so that the communication session would not be interrupted when the user enters into the UMTS network environments.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIBROM T. HAILU whose telephone number is (571)270-1209. The examiner can normally be reached on Monday-Thursday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kibrom T Hailu/

Examiner, Art Unit 2416

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2616